COUNCIL COMING ATTRACTIONS



Week of October 22, 2018

WMATA Update, Fire & Rescue Service Savings Plan, Zoning for Cell Towers, Climate Mobilization Report & Community Grants



Council Coming Attractions is a summary of some of the issues before the Council. All Council staff reports and additional information on each item scheduled for Council or Committee review can be viewed at:

http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html .

The Council meeting schedule may change from time to time. The current Council and Committee agendas can also be viewed at:

http://www.montgomerycountymd.gov/COUNCIL/ondemand/index.html .

The Council meeting will begin at 9:30 a.m. on Tuesday, October 23.

COUNCIL

Briefing from WMATA General Manager Paul J. Wiedefeld

On October 23 at 9:40 a.m. the Council will receive a briefing from Paul J. Wiedefeld, General Manager of the Washington Metropolitan Area Transit Authority (WMATA). The Council has expressed interest in how the infusion of an additional \$500 million annually in WMATA's capital budget will be spent to improve Metro service for residents and workers in the County. Beyond the remaining rehabilitation work necessary to fully restore reliable service, some of the capital projects that could be candidates for these funds include:

- accelerating design and construction of the Georgia Ave. underpass at the Forest Glen Station;
- constructing a new stairway to and from the platform at the Shady Grove Station;

- adding a northern entrance at the White Flint Station, with an underpass beneath Rockville Pike:
- acquiring sufficient rail cars to eliminate the Red Line turnbacks at the Silver Spring Station;
- acquiring sufficient rail cars to bring the peak headways back to three minutes;
- resolving the water seepage problem on the Red Line in the Bethesda area; and
- rehabilitating or replacing the pedestrian bridge over Rockville Pike at the Rockville Station.

In a related matter, on Oct. 18 the Council sent a letter to the WMATA Board of Directors requesting that it continue the Riders' Advisory Council, which provides a way for Metro riders and residents in the Washington metropolitan area to suggest service improvements and provide feedback on proposed changes. The Council staff report can be viewed at: https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181023/20181023_2-5.pdf .

Resolution to approve Fiscal Year 2019 MCFRS Savings Plan

The Council is scheduled to introduce and vote on a resolution to approve a Fiscal Year (FY) 2019 Savings Plan for the Montgomery County Fire and Rescue Service (MCFRS). The Public Safety Committee unanimously recommended rejecting the cuts proposed by the County Executive. The Committee also recommended returning to this issue in February to reassess expenditures. Fire Chief Scott Goldstein and Budget and Management Specialist Rachel Silberman, Office of Management and Budget, are expected to attend the Council meeting.

The County Executive recommended cost savings measures totaling \$3,008,851 for the remainder of FY19. Reductions were proposed because MCFRS's FY18 expenditures exceeded the approved budget by \$12.8 million or approximately six percent. This overrun was driven primarily by overtime costs (between \$8 and \$9 million), but also includes unexpected fleet repair costs (about \$2.7 million). The proposed reductions include:

- eliminating overtime backfill of four-person staffing during non-peak hours;
- eliminating night staffing on Ambulance 711 (Glen Echo), 733 (Rockville-Falls Road) and 721 (Kensington-Parkland);
- eliminating weekday staffing for Aerial Tower 703 (Rockville-Downtown); and
- eliminating Paramedic Engine 720 (Bethesda-Cedar Lane).

The Council staff report can be viewed at:

 $\frac{https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181023/20181023_3 re \\ \underline{d.pdf} \ .$

- Zoning Text Amendment (ZTA) 18-11, Telecommunications Towers Approval Standards
 The Council is scheduled to vote on ZTA 18-11, Telecommunications Towers Approval
 Standards. ZTA 18-11 would, in part, allow the replacement of poles taller than 22 feet to be
 approved as a limited use and poles up to 22 feet to be approved as a conditional use. A conditional
 use is one that requires a subjective finding of compatibility after a public hearing. It's decided by
 a County hearing examiner and can be appealed to the Board of Appeals. A limited use allows the
 Council to detail standards under which a use is acceptable. The goal of ZTA 18-11 is to ensure
 access to robust wireless broadband services by streamlining access to taller poles, while retaining
 a process to allow greater input for pole placement and visual appearance in residential areas. The
 Planning, Housing and Economic Development (PHED) Committee recommends enactment with
 the following amendments:
 - For facilities that require a conditional use (where existing poles are less than 22 feet tall), require a 60-foot setback subject to the hearing examiner's determination that 30 feet is acceptable.

- Require more assurance that Department of Permitting Services (DPS) permitting limits are followed.
- Require that DPS has all the information in the application submitted to the Transmission Facility Coordinating Group (TFCG).
- Correct the name of the TFCG.
- Clarify the provision under which the hearing examiner is examining a new facility.

The Council staff report can be viewed at:

 $\underline{\text{https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181023/20181023_4A}.\underline{\text{pdf}}\ .$

Climate Mobilization Work Group Report

The Council will receive a briefing on the latest report of the Climate Mobilization Work Group. The Council adopted Resolution 18-974, Emergency Climate Mobilization, on December 5, 2017. This resolution accelerates the County's greenhouse gas (GHG) reduction goal to 80 percent by 2027 and to 100 percent by 2035 and calls upon the County Executive, Montgomery County Public Schools (MCPS) and the Maryland-National Capital Park and Planning Commission (M-NCPPC) to advise the Council on "specific methods for accelerating the County's greenhouse gas emissions reduction goal." The County Executive formed a workgroup comprised of 10 representatives from the Departments of General Services, Environmental Protection, Transportation, MCPS and the Departments of Planning. The workgroup had two primary goals: identify solutions and specific methods that could advance the County's progress towards its GHG reduction goals; and inventory existing efforts and measures to reduce GHG reductions. Below is a list of expected meeting attendees.

Executive Branch

- Patty Bubar, Acting Director, Department of Environmental Protection (DEP)
- David Dise, Director, Department of General Services (DGS)
- Sandra Brecher, Chief, Commuter Service Section, Department of Transportation
- Eric Coffman, Chief, Office of Energy and Sustainability DGS
- Stan Edwards, Chief, Environmental Policy and Compliance, DEP
- Doug Weisburger, Sustainability Program Manager, Environmental Policy and Compliance, DEP
- Lindsey Robinett Shaw, Commercial Energy Program Manager, Environmental Policy and Compliance, DEP

Montgomery County Public Schools

- Sean Gallagher, Assistant Director, Department of Facilities Management
- Richard Benjamin, SERT Program Team Leader

Montgomery Planning Department/Parks

- Mark Symborski, Planner Coordinator
- Pam Dunn, Division Chief, Functional Planning and Policy Division
- Stephen H. Findley, Planner Coordinator, Area 2 Planning Division
- John Nissel, Deputy Director for Parks for Operations
- Amanda Aparicio, Sustainability Coordination, Facilities Management Division, Montgomery Parks

The report can be viewed at:

https://www.montgomerycountymd.gov/dgs-OES/Resources/Files/ClimateMobilizationReport.pdf .

The Council staff report can be viewed at:

 $\underline{\text{https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181023/20181023_13.}\\ \underline{\text{pdf}}\ .$

PUBLIC HEARINGS

All public hearings will be held on October 23 at 1:30 p.m.

Resolution to Approve Declaration of No Further Need: Disposition of Land Adjacent to 5920 Massachusetts Ave. in Bethesda

The Council will hold a public hearing on a resolution to approve a Declaration of No Further Need: Disposition of land adjacent to 5920 Massachusetts Ave. in Bethesda. A joint Public Safety (PS) and Government Operations and Fiscal Policy (GO) Committee meeting is tentatively scheduled for October 29. The Council staff report can be viewed at:

 $\underline{\text{https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181023/20181023_5.p} \\ \text{df} \ .$

Bill 33-18, Environmental Sustainability - Commercial Property Assessed Clean Energy Program - Property Tax Surcharge

The Council will hold a public hearing on Bill 33-18, Environmental Sustainability - Commercial Property Assessed Clean Energy Program - Property Tax Surcharge. Councilmember Roger Berliner is the lead sponsor. Councilmembers Sidney Katz and Marc Elrich are cosponsors. The goal of this legislation is to require the County to add the surcharge for the Commercial Property Assessed Clean Energy Program to property tax bills on July 1 following the date of the clean energy loan financing agreement. A Transportation, Infrastructure, Energy and Environment (T&E) Committee meeting is tentatively scheduled for November 8. The Council staff report can be viewed at:

 $\underline{https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181023/20181023_6.p} \\ \underline{df} \ .$

Bill 34-18, Human Rights and Civil Liberties - County Minimum Wage - Definitions - Employer

The Council will hold a public hearing on Bill 34-18, Human Rights and Civil Liberties – County Minimum Wage – Definitions – Employer. Council President Hans Riemer is the lead sponsor. Councilmember Tom Hucker is a cosponsor. Bill 34-18 would modify the definition of "employer" in the County's minimum wage law, so that employers of "one or more persons in the County" would be required to pay the County minimum wage. The bill does not change the rate of the minimum wage, nor does it change any of the scheduled increases under the existing law. The goal of the bill is to require payment of the County minimum wage to workers who are the sole employee of their employers and make the applicability of the County minimum wage consistent with the County Sick and Safe Leave law. A Health and Human Services (HHS) Committee meeting is tentatively scheduled for November 1. The Council staff report can be viewed at:

 $\frac{https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181023/20181023_7.p}{df} \ .$

Bill 35-18, Health and Sanitation - Smoking - Outdoor Serving Areas

The Council will hold a public hearing on Bill 35-18, Health and Sanitation - Smoking - Outdoor Serving Areas. Council President Hans Riemer and Councilmembers Marc Elrich and Craig Rice are cosponsors. Bill 35-18 and the accompanying Board of Health regulation would prohibit smoking in certain outdoor serving areas, such as patios. The goal of this bill is to protect the health of residents. An HHS Committee meeting is tentatively scheduled for November 1. The Council staff report can be viewed at:

 $\underline{https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181023/20181023} \ 8-9.pdf \ .$

Resolution to Adopt Bill 35-18, Health and Sanitation - Smoking - Outdoor Serving Areas, as a Board of Health Regulation

The Council will hold a public hearing on a resolution to adopt Bill 35-18, Health and Sanitation - Smoking - Outdoor Serving Areas, as a Board of Health Regulation. See above for more information. An HHS Committee meeting is tentatively scheduled for November 1. The Council staff report can be viewed at:

 $\frac{https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181023/20181023_8-9.pdf \ .$

Special Appropriation to the County Government's FY19 Operating Budget - \$225,000 for the Economic Development Fund

The Council will hold a public hearing on a special appropriation to the County Government's FY19 Operating Budget of \$225,000 for the Economic Development Fund. The Council is tentatively scheduled to review and vote on this special appropriation on October 30. The Council staff report can be viewed at:

 $\underline{\text{https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181023/20181023} \quad 10. \\ \underline{\text{pdf}} \ .$

Special Appropriation to the County Government's FY19 Operating Budget - \$200,000 for the Economic Development Fund, Small Business Assistance Program

The Council will hold a public hearing on a special appropriation to the County Government's FY19 Operating Budget of \$200,000 for the Economic Development Fund, Small Business Assistance Program. Council Vice President Nancy Navarro is the lead sponsor of this special appropriation for the Small Business Assistance Program, which supports small businesses adversely impacted by County redevelopment projects. These funds are needed to support small businesses located in Wheaton that demonstrate an adverse financial impact from the Wheaton Redevelopment Project. The original appropriation is insufficient to support all small businesses for the remainder of FY19. The Council is tentatively scheduled to review and vote on this special appropriation on October 30. The Council staff report can be viewed at:

 $\frac{https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181023/20181023-11.\\pdf~.$

Special Appropriation to the County Government's FY19 Operating Budget - Nondepartmental Account - \$95,600 for Legislative Branch Communications Outreach

Council President Hans Riemer, Council Vice President Nancy Navarro and Councilmember Sidney Katz are the lead sponsors. This special appropriation is needed for the Council to enhance its community outreach and communications goals. A GO Committee meeting is tentatively scheduled for October 29. The Council staff report can be viewed at:

 $\underline{\text{https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2018/20181023/20181023_12.}\\ \underline{\text{pdf}}\ .$

COMMITTEE

Meeting with Health and Human Services Boards, Committees and Commissions

On Monday, October 22 at 8:30 a.m. the HHS Committee will meet with Health and Human Services Advisory Boards, Committees and Commissions to receive an update on their work and public policy issues. A list of those who are expected to attend the meeting can be found on page two of the Council staff report, which can be viewed at:

 $\underline{\text{https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2018/20181022/20181022_H} \\ \underline{\text{HS1.pdf}} \ .$

Comprehensive Water Supply and Sewerage Plan: Water and Sewer Category Changes

On Tuesday, October 23 at 3:30 p.m. the T&E Committee will meet to review water and sewer category changes in the Comprehensive Water Supply and Sewerage Plan. The County Executive has proposed six amendments to the County's Comprehensive Water Supply and Sewerage Systems Plan. All six amendments are requests for individual water/sewer service area category changes. Of these six requests, the Council previously tabled a discussion on one request pending the anticipated action on the Water and Sewer Plan comprehensive update. Those expected to attend the meeting include: Alan Soukup, Senior Planning, Water and Wastewater Group, Department of Environmental Protection, and Katherine Nelson, Montgomery County Planning Department. Recommendations and supporting documentation addressing these amendments can be viewed in the Council staff report at:

 $\underline{\text{https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2018/20181023/20181023} \ \ \underline{\text{TE}} \ \underline{\text{1red.pdf}} \ .$

Community Grants Program

On Thursday, October 25 at 2 p.m. the HHS and GO Committees will meet jointly to continue their review and discussion of the community grants program and Office of Legislative Oversight (OLO) Report 20018-9, Montgomery County Council Community Grants. The Council is evaluating options for improving the grants process in the short term for FY20 and discussing options for FY21 and beyond. In addition to Council and OLO staff, those expected to attend the meeting include: Cherri Branson, Director, Office of Procurement; Victoria Buckland, Chief Operating Officer, Department of Health and Human Services; and Erika López-Finn, Fiscal and Policy Analyst, Office of Management and Budget. The Council staff report will be available on Oct. 23. The Council and County Executive provide funding to nonprofit organizations in the County each year through noncompetitive community grants to provide health and human services and community services to County residents. OLO reviewed the current Council community grants program and identified opportunities to improve the accountability, transparency, accessibility, and fairness in the grants processes. The report has the following findings:

- Over the past five fiscal years, the number of grant applications funded, and the amount of funding awarded, annually has increased. During that time, Council grant funding has increased at a slower rate than Executive grant funding.
- A total of 134 organizations received community grants at least four out of the five years from FY15 to FY19.
- The Council has made changes to the Community Grants Program process over the years to address concerns identified in follow-up discussions about the grants.
- There are numerous models for similar grant programs and in other local jurisdictions. Most grant program staff report that they are constantly looking for ways to improve the accountability, transparency, and efficiency of their programs.
- Both representatives from nonprofit organizations and volunteers on the Council Grants Advisory Group expressed confusion about the purposes and goals of the Council and Executive Grants Programs and about the relationship between the two programs.
- Staff from several County departments think it would be beneficial to provide volunteers on the Grants Advisory Group background information about department programs, goals, and priorities prior to the panel making grant recommendations. Further, County staff reported that the execution and monitoring of community grants contracts is burdensome and challenging.

The report makes the following recommendations:

- Clarify and define the purpose and goals of the Council Community Grants Program and implement changes to the process to align with those goals.
- Implement changes to the Council's Community Grants selection process to improve accountability and fairness.

• Request an OLO follow-up report that examines contract execution, payment policies and monitoring of Council Community Grant contracts.

The full report can be viewed here:

 $\underline{https://www.montgomerycountymd.gov/OLO/Resources/Files/2018\%20Reports/OLOReport2018_9.pdf} \ .$